

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Figure 1. This sheet, which includes Figures 1, 1A and 2 replaces the original sheet including Figures 1, 1A and 2.

Attachment: 1 Replacement Sheet

## **REMARKS**

In response to the Office Action dated December 18, 2006, Applicant submits this Amendment. Claims 1 and 6 are amended, new claims 14-20 are added, and no new matter is added in this Amendment. Thus, claims 1-4, 6-11 and 13-20 are currently pending. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

## **INFORMATION DISCLOSURE STATEMENT**

On September 13, 2006, Applicant filed an electronic submission which included an Amendment, Replacement Drawings, a Redlined Specification, a Substitute Specification and an Information Disclosure Statement. However, the Office Action dated December 18, 2006, did not contain and initialed copy of PTO Form SB08. Accordingly, Applicant respectfully requests that the Examiner review the cited reference and return to us an initialed Form SB08. Copies of the original Information Disclosure Statement, along with the Electronic Acknowledgement Receipt are attached for the Examiner's convenience.

## **DRAWINGS**

The Examiner objected to Figure 1 be on the ground that it did not show the "S-shaped portion." While Applicant respectfully traverses the Examiner's objection, Applicant submits herewith a replacement sheet of drawings (Figures 1, 1A and 2) with a revised Figure 1 having the "S-shaped portion" labeled, which is supported by and in accordance with the Detailed Description, for example, on page 5, lines 5-16. Accordingly, Applicant requests that the Examiner's objection to Figure 1 be withdrawn.

## **CLAIM REJECTIONS**

### Claim Rejections Under 35 U.S.C. §102

The Examiner rejected claims 1-3 as allegedly being anticipated by Bovaird et al. (US 6093313). Applicant respectfully disagrees with the Examiner's characterization of the reference set forth in the Office Action and with each of the claim rejections. Nevertheless, to

expedite the issuance of the claims, Applicant has amended independent claim 1 to more clearly distinguish this claim (and the claims that depend on claim 1) over Bovaird et al. Applicant reserves the right to pursue at a later date claims similar or identical to the original claims through one or more continuation applications.

The claimed water distribution system of amended claim 1 recites, *inter alia*:

said showerhead comprises two separate conduits connecting the two delivery points with a coupling at the base of a handle thereof, one of the two conduits being located at least partly inside the other of the two conduits, the two conduits being distinct from and not in fluid communication with one another, and one of the two conduits being configured to deliver water only out of one of the two delivery points and the other of the two conduits being configured to deliver water only out of the other delivery point,

In contrast to amended claim 1, neither Bovaird et al. nor any of the other references cited by the Examiner discloses or suggests two conduits wherein “one of the two conduits being located at least partly inside the other of the two conduits” as recited, *inter alia*, in claim 1. The Examiner admitted in the December 18, 2006 Office Action that Bovaird et al. “fails to teach where two conduits are integrally made at least one is partly inside of the other” and yet did not point to any other reference that had such a teaching or suggestion. Thus, for at least these reasons, amended claim 1 is patentably distinct from and not anticipated by Bovaird et al. and the other cited references.

Moreover, Bovaird et al. fails to teach “the two conduits being distinct from and not in fluid communication with one another” as recited, *inter alia*, in claim 1. Indeed, Bovaird et al. teaches flow conduits that are in fluid communication with each other. Bovaird et al. discloses a kitchen faucet having a single unfiltered water source, an integral water filter 20 in the faucet, and two water discharges 26, 24. Bovaird et al. Col. 1, ll. 51-53, 62-66; Col. 2, l. 38 – Col. 4, l. 40. Bovaird et al. teaches that the unfiltered water may flow through the faucet, with a portion of the unfiltered water being treated by the integral water filter 20 and a portion of the

unfiltered water not being treated by the filter. Bovaird et al. Col. 2, ll. 62-66; Col. 3, l. 4 – Col. 4, l. 2. Bovaird et al. teaches, “[h]owever, if no filter is present ... unfiltered water will flow from both stream discharge 24 and filtered water discharge 26.” Bovaird et al. Col. 4, ll. 32-35. Thus, the flow conduits of Bovaird et al. are in fluid communication with each other (at their inlets) and are connected to a single water source, in contrast to amended claim 1, which claims, *inter alia*, two conduits “not in fluid communication with one another”.

For at least these reasons, Applicant respectfully submits that amended independent claim 1 is patentability distinguished over Bovaird et al., and Applicant respectfully requests allowance of claim 1. Applicant also submits that dependant claims 2 and 3 are allowable as depending from an allowable base claim, as well as for novel and non-obvious combination of elements recited therein.

Claim Rejections Under 35 U.S.C. §103

The Examiner rejected claims 1-4, 6-11 and 13 are allegedly being unpatentable over Bovaird et al. in view of Burchard et al. (US 5858215) and further in view of Reichenberger (US 4162028). Applicant respectfully disagrees with the Examiner’s characterization of each of the references set forth in the Office Action and with each of the claim rejections. Nevertheless, to expedite the issuance of the claims, Applicant has amended independent claim 1, as outlined above, and amended claim 6 to more clearly distinguish these claims (and the other claims that depend on claim 1) over the cited references. Applicant reserves the right to pursue at a later date claims similar or identical to the original claims through one or more continuation applications.

As discussed above, neither Bovaird et al. nor any of the other cited references teaches or suggests a water distribution system comprising a showerhead comprising two conduits and in which “one of the two conduits being located at least partly inside the other of the two conduits, the two conduits being distinct from and not in fluid communication with one another” as recited, *inter alia*, in amended independent claim 1.

Thus, for at least these reasons, Applicant requests allowance of independent claim 1 and allowance of dependant claims 2-4, 6-11 and 13 as depending from allowable base claim 1, as well as for novel and non-obvious combination of elements recited therein. For

example, neither Bovaird et al. nor any of the other cited references discloses or suggests “an inlet for one of the two conduits is adjacent to and at least partially surrounded by an inlet for the other of the two conduits” as recited, *inter alia*, in amended claim 6.

### **NEW CLAIMS**

Applicant has added new claims 14-20. These claims are fully supported by the application as filed and no new matter has been added by this Amendment. Consideration of new claims 14-20 is respectfully requested.

New claims 14-20 are patentably distinct over Bovaird et al. and the other cited references. For example, the cited references do not disclose or suggest the showerhead as claimed in independent claim 14, which recites, *inter alia*, “a first conduit and a distinct second conduit located at least partially inside the first conduit, the two conduits not being in fluid communication with one another” and “the first conduit configured to be in fluid communication with a first water supply and the second conduit configured to be in fluid communication with a distinct second water supply”.

As another example, the cited references do not disclose a showerhead “configured to allow selective delivery of treated water through the second conduit and out the second outlet while untreated water is simultaneously delivered through the first conduit and out the first outlet” as recited, *inter alia*, in claim 18. According to Bovaird et al., a user may operate a valve mechanism that selects either a discharge of filtered water out discharge 26 or a discharge of unfiltered water out discharge 24 or a discharge of unfiltered water out of both discharges 26, 24 if no filter is present—but a user may not choose to have both filtered and unfiltered water discharged at the same time. Bovaird et al. Col. 4, ll. 3-40.

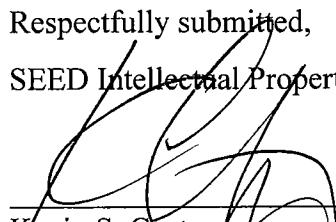
### **CONCLUSION**

Applicant respectfully submits that the pending claims are in condition for allowance. Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must

rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the cited references show or teach, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter. If the undersigned attorney has overlooked a relevant teaching in any of the references, the Examiner is requested to point out specifically where such teaching may be found.

In light of the above amendments and remarks, Applicant respectfully submits that all pending claims are allowable. Applicant, therefore, respectfully requests that the Examiner reconsider this application and timely allow all pending claims. The Examiner is encouraged to contact the undersigned by telephone to discuss the above and any other distinctions between the claims and the applied references, if desired. If the Examiner notes any informalities in the claims, he is encouraged to contact the undersigned by telephone to expediently correct such informalities. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,  
SEED Intellectual Property Law Group PLLC



\_\_\_\_\_  
Kevin S. Costanza  
Registration No. 37,801

701 Fifth Avenue, Suite 5400  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-6031

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	1198872
<b>Application Number:</b>	10811943
<b>Confirmation Number:</b>	2918
<b>Title of Invention:</b>	Delivery system for treated water, showerhead and supply pipe for said system
<b>First Named Inventor:</b>	Fabrizio Nobili
<b>Customer Number:</b>	500
<b>Filer:</b>	Kevin Samuel Costanza/Lori Swick
<b>Filer Authorized By:</b>	Kevin Samuel Costanza
<b>Attorney Docket Number:</b>	700144.403
<b>Receipt Date:</b>	13-SEP-2006
<b>Filing Date:</b>	30-MAR-2004
<b>Time Stamp:</b>	19:10:20
<b>Application Type:</b>	Utility
<b>International Application Number:</b>	

### Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$ 240
RAM confirmation Number	654
Deposit Account	191090

**COPY**

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part	Pages

1		700144_403_AM.pdf	81397	yes	9				
<b>Multipart Description</b>									
<b>Doc Desc</b>		<b>Start</b>		<b>End</b>					
Amendment - After Non-Final Rejection		1		1					
Specification		2		2					
Claims		3		5					
Drawings		6		6					
Applicant Arguments/Remarks Made in an Amendment		7		9					
<b>Warnings:</b>									
<b>Information:</b>									
2	Drawings	700144_403_FIGS.pdf	520114	no	3				
<b>Warnings:</b>									
<b>Information:</b>									
3	Information Disclosure Statement (IDS) Filed	700144_403_IDS.pdf	869075	no	5				
<b>Warnings:</b>									
<b>Information:</b>									
4	Foreign Reference	WO02098569.pdf	921487	no	19				
<b>Warnings:</b>									
<b>Information:</b>									
5	Miscellaneous Incoming Letter	700144_403_FDA.pdf	45587	no	1				
<b>Warnings:</b>									
<b>Information:</b>									
6	Specification	700144_403_RL_SPEC.pdf	76585	no	9				
<b>Warnings:</b>									
<b>Information:</b>									

COPY

7	Specification	700144_403_SUB_SPEC.pdf	72293	no	9
<b>Warnings:</b>					
<b>Information:</b>					
8	Fee Worksheet (PTO-875)	fee-info.pdf	8340	no	2
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			2594878		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><b>New Applications Under 35 U.S.C. 111</b>  If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b>National Stage of an International Application under 35 U.S.C. 371</b>  If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p>					

COPY

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>( Not for submission under 37 CFR 1.99)</i>	Application Number		10811943
	Filing Date		2004-03-30
	First Named Inventor		Frabrizio Nobili
	Art Unit		3752
	Examiner Name		Trevor Edwin McGraw
	Attorney Docket Number		700144.403

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	00712868		1902-11-04	Traxton	
	2	00738486		1903-09-08	Rogers	
	3	00816517		1906-03-27	Whalen	
	4	3853761		1974-12-10	McClory	
	5	4770768		1988-09-13	Lang	
	6	4863103		1989-09-05	Gannaway	
	7	5020569		1991-06-04	Agresta	
	8	5152464		1992-10-06	Farley	

COPY

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)

Application Number	10811943
Filing Date	2004-03-30
First Named Inventor	Frabrizio Nobili
Art Unit	3752
Examiner Name	Trevor Edwin McGraw
Attorney Docket Number	700144.403

	9	5744033		1998-04-28	Bertrand et al.	
	10	5823229		1998-10-20	Bertrand et al.	
	11	5858215		1999-01-12	Burchard et al.	
	12	5976362		1999-11-02	Wadsworth et al.	

If you wish to add additional U.S. Patent citation information please click the Add button.

**U.S.PATENT APPLICATION PUBLICATIONS**

Examiner Initial*	Cite No	Publication Number	Kind Code <sup>1</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Published Application citation information please click the Add button.

**FOREIGN PATENT DOCUMENTS**

Examiner Initial*	Cite No	Foreign Document Number <sup>3</sup>	Country Code <sup>2</sup>	Kind Code <sup>4</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T5
	1	02/098569	WO	A1	2002-12-12	Nobili		<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button

**NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.					T5
--------------------	---------	---	--	--	--	--	----

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)

Application Number	10811943
Filing Date	2004-03-30
First Named Inventor	Frabrizio Nobili
Art Unit	3752
Examiner Name	Trevor Edwin McGraw
Attorney Docket Number	700144.403

1



If you wish to add additional non-patent literature document citation information please click the Add button

**EXAMINER SIGNATURE**

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>( Not for submission under 37 CFR 1.99)</i>	Application Number	10811943
	Filing Date	2004-03-30
	First Named Inventor	Frabrizio Nobili
	Art Unit	3752
	Examiner Name	Trevor Edwin McGraw
	Attorney Docket Number	700144.403

### CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

- See attached certification statement.
- Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
- None

### SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Kevin S. Costanza/ 	Date (YYYY-MM-DD)	2006-09-13
Name/Print	Kevin S. Costanza	Registration Number	37,801

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Copy*

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

COPY